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6 IN THE UNITED STATES DISTRICT COURT FOR THE  
7 EASTERN DISTRICT OF CALIFORNIA

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9 UNITED STATES OF AMERICA, CR. NO. S-00-0167 EJG  
10 Plaintiff, CR. NO. S-03-0549 EJG  
11 v. ORDER DENYING MOTION FOR  
12 FRANCISCO MEDINA CASTANEDA, APPOINTMENT OF COUNSEL  
13 Defendant.

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15 Defendant, a federal prisoner proceeding pro se, has filed a  
16 motion for appointment of counsel, apparently to assist him in  
17 the preparation of a motion to vacate, set aside or correct his  
18 sentence, pursuant to 28 U.S.C. § 2255. For the reasons that  
19 follow, the motion is DENIED.

20 A defendant has no constitutional right to appointed counsel  
21 in post-conviction proceedings. The Sixth Amendment right to  
22 counsel extends only through the first appeal. See Coleman v.  
23 Thompson, 501 U.S. 722, 755-57 (1991). Rather, if the court,  
24 within its discretion determines that "the interests of justice  
25 so require", counsel may be appointed for persons seeking relief

1 under sections 2241, 2254 or 2255 of Title 28 of the United  
2 States Code. See 18 U.S.C. § 3006A(a)(2). Defendant has filed  
3 nothing in support of his request for counsel except a statement  
4 that he is indigent, nor are any post-conviction proceedings  
5 pending. Accordingly, the court is without any information to  
6 determine if the interests of justice will be served by  
7 appointment of counsel. The motion is DENIED.

8 IT IS SO ORDERED.

9 Dated: August 30, 2010

10 /s/ Edward J. Garcia  
11 EDWARD J. GARCIA, JUDGE  
12 UNITED STATES DISTRICT COURT

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